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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,586	06/08/2000	William W. Holmes IV	U6220/53569/NWJ-gasket	1012

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/590,586

Applicant(s)

HOLMES ET AL.

Examiner

Melody M. Burch

Art Unit

3683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see number 5.

3. ☐ Applicant's reply has overcome the following rejection(s): upon entry, the amendments would overcome the 112 rejections.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 2-11 and 16.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 10 February 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Continuation of 5. does NOT place the application in condition for allowance because: the inclusion of the limitation of specifically the gasket (instead of the pipe joint in general) comprising a plurality of density regions raises a new issue in the claim that requires further consideration.

Also, with regard to claim 3, Examiner notes that Miller shows in figure 16 the limitation of the locking member 72 being adapted to non-compressibly resist movement of the first pipe portion 10 relative to the gland 62,64,65,67 by transferring a first portion of an extractive force to the gland (in the area to the left of the lead line of number 73 where the locking member contacts the gland) and a second portion of such force to the second pipe portion 13c (in the area to the left of the lead line of number 61a where the locking member contacts the second pipe portion via a portion of the compressible body as shown), which first portion and second portion are each of a magnitude less than the magnitude of the extractive force to the same extent as Applicant's.

It is noted that Applicant's argument that Miller figure 16 does not support a conclusion that any axial load is borne directly by the bell 13c is more specific than the claim language. Examiner maintains that, as broadly claimed, axial load is borne by the bell 13c or the locking member 72 contacts the bell 13c indirectly via a portion of the compressible body. Applicant even indirectly acknowledges that the argument is more specific than the claim language by recommending on pg. 4 of the Remarks that the word "directly" be inserted in the third to last line of claim 3.

Examiner notes that the insertion of the word "directly" not only would raise a new issue in the claim, but would fail to overcome figure 1 of the Miller reference which shows a male first pipe portion 10, a female second pipe portion 14, a gasket comprising a compressible body 20 and a locking member 28 having a tooth 25a and a back portion or top surface at least partially embedded within the compressible body and shows the locking member directly contacting both a gland 18 and the second pipe portion 14 resulting in the locking member of Miller figure 1 being adapted to non-compressibly resist movement of the first pipe portion relative to the gland by transferring a first portion of an extractive force to the gland and a second portion of such force directly to the second pipe portion, which first portion and second portion are each of a magnitude less than the magnitude of the extractive force to the same extent as Applicant's.

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